

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT TACOMA

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

Plaintiff,

v.

FOOT LOCKER RETAIL, INC., a
subsidiary of FOOT LOCKER, INC.,

Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex, and retaliation, and to provide appropriate relief to Rebecca Anderson (“Ms. Anderson”) and similarly situated female employees who were adversely affected by such practices. The Equal Employment Opportunity Commission alleges that Foot Locker Retail, Inc., a subsidiary of Foot Locker, Inc. (“Foot Locker”) subjected Ms. Anderson and similarly situated female employees to sexual harassment, retaliated against Ms. Anderson when she complained about the sexual harassment, and discharged Ms. Anderson because of the sexual harassment and/or in retaliation for her

1 complaints about the sexual harassment. Plaintiff seeks monetary and injunctive relief for Ms.
2 Anderson and a class of similarly situated female employees, including pecuniary and
3 nonpecuniary compensatory damages and punitive damages.

4 JURISDICTION AND VENUE

5 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337,
6 1343 and 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of
7 Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. sections 2000e-5(f)(1) and (3)
8 ("Title VII"), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

9
10 2. The employment practices alleged to be unlawful were committed within the
11 jurisdiction of the United States District Court for the Western District of Washington at
12 Tacoma.

13 PARTIES

14 3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is
15 the agency of the United States of America charged with the administration, interpretation and
16 enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) of
17 Title VII, 42 U.S.C. §2000e-5(f)(1).
18

19 4. At all relevant times, defendant Foot Locker Retail, Inc., a subsidiary of Foot
20 Locker, Inc. ("Foot Locker") has been a corporation continuously doing business in the State of
21 Washington and has continuously had at least 15 employees.

22 5. At all relevant times, defendant Foot Locker has continuously been an employer
23 engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of
24 Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).
25

STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Anderson filed a charge with the Commission alleging violations of Title VII by defendant Foot Locker. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. From at least March 1, 2005, defendant Foot Locker engaged in unlawful employment practices at its Tacoma, Washington store and elsewhere in violation of §§ 703(a) and 704(a) of Title VII, 42 U.S.C. §§ 2000e-2(a) and -3(a). Defendant engaged in these unlawful practices through the following actions by: (1) subjecting Ms. Anderson and similarly situated female employees to sexual harassment; (2) retaliating against Ms. Anderson for her complaints about sexual harassment by reassigning her to a store that significantly increased her commuting time and expenses; (3) retaliating against Ms. Anderson by refusing to return her to her original store; and (4) discriminating and retaliating against Ms. Anderson by terminating her in October 2005.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Anderson and similarly situated female employees of equal employment opportunities and otherwise adversely affect their status as employees of Foot Locker because of their sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

1 10. The unlawful employment practices complained of in paragraph 7 above were
2 done with malice or with reckless indifference to the federally protected rights of Ms. Anderson
3 and similarly situated female employees.

4 PRAYER FOR RELIEF

5 Wherefore, the Commission respectfully requests that this Court:

6 A. Grant a permanent injunction enjoining defendant, its officers, successors, agents,
7 assigns, and all persons in active concert or participation with it, from engaging in any
8 employment practices which discriminate on the basis of sex or retaliate against any individual
9 for engaging in protected EEO activity.

10 B. Order defendant to institute and carry out policies, practices, and programs which
11 provide equal employment opportunities for all employees, and which eradicate the effects of its
12 past and present unlawful employment practices.

13 C. Order defendant to make whole Ms. Anderson and similarly situated female
14 employees by providing appropriate back pay with prejudgment interest, in amounts to be determined
15 at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practice.

16 D. Order defendant to make whole Ms. Anderson and similarly situated female
17 employees by providing compensation for past and future pecuniary losses resulting from the
18 unlawful employment practices described in paragraph 7 above, including past and future out-of-
19 pocket expenses, in amounts to be determined at trial.

20 E. Order defendant to make whole Ms. Anderson and similarly situated female
21 employees by providing compensation for past and future nonpecuniary losses resulting from the
22

1 unlawful practices complained of in paragraph 7 above, including without limitation emotional
2 pain, suffering, and loss of enjoyment of life, in amounts to be determined at trial.

3 F. Order defendant to pay Ms. Anderson and similarly situated female employees
4 punitive damages for its malicious and reckless conduct described in paragraph 7 above, in
5 amounts to be determined at trial.

6 G. Grant such further relief as the Court deems necessary and proper in the public
7 interest.

8 H. Award the Commission its costs of this action.

9
10 JURY TRIAL DEMAND

11 The Commission requests a jury trial on all questions of fact raised by its complaint.

12 DATED this 10th day of September, 2007.

13
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